

GWICH'IN LAND AND WATER BOARD

P.O. Box 2018, Inuvik, NT X0E 0T0

☎ 867-777-4954

📠 867-777-2304

🌐 glwb.com

February 18, 2020

File: **G20Q001**

Hamlet of Aklavik
Attention Fred Behrens
PO Box 88
Aklavik, NT X0E 0A0

**Re: Issuance of Type A" Land Use Permit G20Q001
(Quarrying and Overland Winter Access Road - Willow River site
467)**

Mr. Behrens,

Attached is Type A Land Use Permit G20Q001 granted by the Gwich'in Land and Water Board (GLWB or the Board) in accordance with the *Mackenzie Valley Resource Management Act (MVRMA)*. This Permit has been approved for a period of five years effective February 18, 2020 and expiring February 17, 2025. Please read all conditions carefully. Should you wish to discontinue your land-use operation at any time prior to the expiry date set out in the Permit, a written notice of discontinuance is required as per section 37 of the Mackenzie Valley Land Use Regulations, in addition to the submission of a final plan.

Please be advised that a copy of the Land Use Permit, all inspection reports and correspondence related thereto, will be filed in the [Public Registry](#) at the offices of the Gwich'in Land and Water Board in Inuvik, NT, as per the Mackenzie Valley Resource Management Act. This is intended to keep all interested parties informed of the manner in which the Land Use Permit requirements are being met.

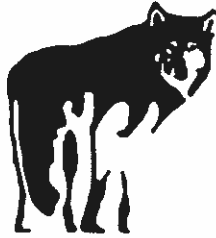
Should you have questions regarding this file, please contact AlecSandra Macdonald by email or by phone at (867) 777-4954.

Your cooperation with the terms and conditions of the Land Use Permit is appreciated.

Sincerely,

Elizabeth Wright,
Chair, Gwich'in Land and Water Board

CC: Gwich'in Distribution List



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LAND USE PERMIT

Permit Class	Permit No	Amendment No
A	G20Q001	-

Subject to the Mackenzie Valley Resource Management Act, the Mackenzie Valley Land Use Regulations and the terms and conditions in this Permit, authority is hereby granted to:

Hamlet of Aklavik

(Permittee)

to proceed with the land use operation described in application of:

Signature Fred Behrens	Date December 5, 2019
Type of Land use Operation Quarrying and overland winter access road construction	
Location Willow River Site 467 (68°07'53"N/ 135°21'13"W to 68°12'31"N/ 135°27'39"W)	

This permit may be assigned, extended, discontinued, suspended or cancelled pursuant to the Mackenzie Valley Land Use Regulations.

Dated at Inuvik this 18 day of February , 2020



Witness – Leonard DeBastien



Chair – Elizabeth Wright

Commencement Date
 February 18, 2020

Expiry Date
 February 17, 2025

Note: It is a condition of this Permit that the Permittee comply with the provisions of the *Mackenzie Valley Resource Management Act* and Regulations and the terms and conditions set out herein. A failure to comply may result in suspension or cancellation of this Permit.

Conditions Annexed to and Forming Part of Land Use Permit # G20Q001

Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation:
 - a) Construction of winter overland access road between the Husky Channel and Willow River site 467; and
 - b) Quarrying at Willow River site 467.
2. This Permit is issued subject to the conditions contained herein with respect to the use of land for the activities and area identified in Part A, item 1 of this Permit.
3. Compliance with the terms and conditions of this Permit does not excuse the Permittee from its obligation to comply with the requirements of any applicable Federal, Territorial or Municipal laws.
4. This Permit is only valid in conjunction with a valid Quarry Authorization issued by the Gwich'in Tribal Council Department of Lands and Resources

Part B: Definitions (defined terms are capitalized throughout the Permit)

Act - the *Mackenzie Valley Resource Management Act*.

Board - the Gwich'in Land and Water Board established under Part 3 of the Act.

Habitat - the area or type of site where a species or an individual of a species of wildlife naturally occurs or on which it depends, directly or indirectly, to carry out its life processes.

Inspector - an Inspector designated by the Minister under the *Act*.

Minister - the Minister of Indian Affairs and Northern Development Canada or the Minister of the Government of the Northwest Territories – Department of Lands, as the case may be.

Ordinary High Water Mark - the usual or average level to which a body of water rises at its highest point and remains for sufficient time so as to change the characteristics of the land. In flowing waters (rivers, streams) this refers to the "active channel/bank-full level" which is often the 1:2 year flood flow return level. In inland lakes, wetlands, or marine environments, it refers to those parts of the Watercourse bed and banks that are frequently flooded by water so as to leave a mark on the land and where the natural vegetation changes from predominately aquatic vegetation to terrestrial vegetation (excepting water tolerant species). For reservoirs, this refers to normal high operating levels (full supply level).

Permittee - the holder of this permit.

Safety Data Sheet - a technical document, typically written by the manufacturer or supplier of a chemical, that provides information about the hazards associated with the product, advice about safe handling and storage, and emergency response procedures.

Secondary Containment - containment that prevents liquids that leak from Fuel Storage Tanks or containers from reaching outside the containment area and includes double-walled Tanks, piping, liners, and impermeable barriers.

Shut Down Period - The period of time between April 15 and November 15 each year, for the purpose of this operation.

Spill Contingency Plan - a document, developed in accordance with Aboriginal Affairs and Northern Development Canada's *Guidelines for Spill Contingency Planning* (April 2007), that describes the set of procedures to be implemented to minimize the effects of a spill.

Spring Break-up – April 15 each year, for the purpose of this operation.

Toxic Material - any substance that enters or may enter the environment in a quantity or concentration or under conditions such that it:

- a) Has or may have an immediate or long-term harmful effect on the environment or its biological diversity;
- b) Constitutes or may constitute a danger to the environment on which life depends; or
- c) Constitutes or may constitute a danger in Canada to human life or health.

Waste - any garbage, debris, chemical, or Toxic Material to be used, stored, disposed of, or handled on land, and also as defined in section 51 of the Act.

Watercourse - a natural body of flowing or standing water or an area occupied by water during part of the year, and includes streams, springs, swamps and gulches but does not include groundwater.

Part C: Conditions Applying to All Activities (headings correspond to subsection 26(1) of the Mackenzie Valley Land Use Regulations)

26(1)(a) Location and Area

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| 1. | The Permittee shall only conduct this land-use operation on lands designated in the application. | LOCATION OF ACTIVITIES |
| 2. | The Permittee shall not conduct a quarry operation within 100 metres of the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector. | QUARRY SETBACK |
| 3. | Prior to the commencement of the land-use operation, the Permittee shall mark each corner of the land use area. | MARK AREA |
| 4. | The Permittee shall maintain the corner markings until the area is reclaimed. | CORNER POSTS |
| 5. | Prior to the commencement of the land-use operation, the Permittee shall accompany an Inspector during an inspection of the proposed land use area. | INSPECT LOCATIONS |
| 6. | The Permittee shall only excavate and stockpile in areas designated in the accepted application, unless otherwise authorized in writing by a Land Use Inspector. | EXCAVATE STOCKPILE |

26(1)(b) Time

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| 7. | At least 48 hours prior to the initial commencement of the land-use operation, the Permittee's Field Supervisor shall contact an Inspector at (867) 777-8900. | INITIAL NOTIFICATION – CONTACT INSPECTOR |
| 8. | At least 48 hours prior to returning to the worksite following a seasonal Shut Down Period, the Permittee's Field Supervisor shall notify the Board and contact an Inspector at (867)777-8900. | SEASONAL NOTIFICATION – CONTACT INSPECTOR |
| 9. | At least 48 hours prior to commencement of the land-use operation, the Permittee shall provide the following information, in writing, to the Board and an Inspector:
a) the name(s) of the person(s) in charge of the field operation;
b) alternates; and
c) all methods for contacting the above person(s). | IDENTIFY AGENT |
| 10. | At least ten days prior to any shutdown period, the Permittee shall advise an Inspector of:
a) the plan for removal or storage of equipment and materials; and
b) when cleanup and Progressive Reclamation of the land used will be completed. | REPORTS BEFORE SEASONAL REMOVAL |

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| 11. | At least ten days prior to the completion of the land-use operation, the Permittee shall advise an Inspector of: | REPORTS BEFORE
FINAL REMOVAL |
| | <ul style="list-style-type: none"> a) the plan for removal or storage of equipment and materials; b) when final cleanup and reclamation of the land used will be completed; and c) when the Final Plan will be submitted. | |

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| 12. | The Permittee shall not conduct any activity associated with the land-use operation during the Shut Down Period. | SEASONAL SHUT
DOWN |
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| 13. | The Board and/or Inspector reserves the right to impose closure of any area to the Permittee during periods when dangers to natural resources are severe. | CLOSURE |
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26(1)(c) Type and Size of Equipment

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| 14. | The Permittee shall only use equipment of a similar type, size, and number to that listed in the complete application. | USE APPROVED
EQUIPMENT |
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26(1)(d) Methods and Techniques

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| 15. | Prior to the movement of any vehicle that exerts pressure on the ground in excess of 35 kPa, the Permittee shall scout proposed lines and routes to select the best location for crossing streams and avoiding terrain obstacles. | DETOURS AND
CROSSINGS |
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| 16. | The Permittee shall construct and maintain the overland portion of winter roads with a minimum of 10 cm of packed snow and/or ice at all times during this land-use operation. | WINTER ROADS |
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| 17. | The Permittee shall not erect camps or store material, other than that required for immediate use, on the ice surface of a Watercourse. | STORAGE ON ICE |
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| 18. | The Permittee shall not quarry to a depth below that of the water table. Do not quarry below existing pit floor. | QUARRY DEPTH |
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26(1)(e) Type, Location, Capacity, and Operation of All Facilities

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| 19. | The Permittee shall ensure that the land use area is kept clean at all times. | CLEAN WORK AREA |
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26(1)(f) Control or Prevention of Ponding of Water, Flooding, Erosion, Slides, and Subsidence of Land

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| 20. | The land-use operation shall not cause obstruction to any natural drainage. | NATURAL DRAINAGE |
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| 21. | The Permittee shall slope the sides of material piles, excavations, and embankments — except in solid rock — to a minimum ratio of 2:1 vertical, unless otherwise authorized in writing by an Inspector | EXCAVATION AND
EMBANKMENTS |
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| 22. | The Permittee shall minimize erosion by installing erosion control structures as the land-use operation progresses. | PROGRESSIVE
EROSION CONTROL |
| 23. | The Permittee shall apply appropriate mitigation at the first sign of erosion. | REPAIR
EROSION |
| 24. | The Permittee shall not excavate land within 100 metres of the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector. | EXCAVATION
SETBACK |
| 25. | The Permittee shall only conduct off-road vehicle travel on snow-covered surfaces. | OFF-ROAD VEHICLE
TRAVEL |
| 26. | The Permittee shall suspend overland travel of equipment or vehicles at the first sign of rutting or gouging. | SUSPEND OVERLAND
TRAVEL |
| 27. | The Permittee shall not move any equipment or vehicles unless the ground surface is in a state capable of fully supporting the equipment or vehicles without rutting or gouging. | VEHICLE MOVEMENT
FREEZE-UP |
| 28. | The Permittee shall only use clean water and snow in the construction of ice bridges and snow fills. | CONSTRUCT
ICE BRIDGES
SNOWFILLS |
| 29. | Prior to Spring Break-up or completion of the land-use operation, the Permittee shall clean up and either remove or v-notch all ice bridges and snowfills from stream crossings, unless otherwise authorized in writing by an Inspector. | REMOVE
ICE BRIDGES/
SNOWFILLS |
| 30. | The Permittee shall not cut any stream bank, unless otherwise authorized in writing by an Inspector. | STREAM BANKS |
| 31. | The Permittee shall minimize approach grades on all Watercourse crossings. | MINIMIZE
APPROACH |
| 32. | 26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material | |
| 33. | The Permittee shall not, in any circumstances, deposit or allow the deposit of any deleterious substances (including but not limited to fuels, lubricants, hydraulics, and coolants) of any type into any waters, or in any place under any conditions where the deleterious substances may enter any waters. | DEPOSITING
DELETERIOUS
SUBSTANCES |
| 34. | The Permittee shall dispose of all combustible Waste petroleum products by removal to an approved disposal facility. | WASTE PETROLEUM
DISPOSAL |

26(1)(h) Wildlife and Fish Habitat

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| 35. | The Permittee shall take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation. | HABITAT DAMAGE |
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26(1)(i) Storage, Handling, and Disposal of Refuse or Sewage

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| 36. | The Permittee shall keep all garbage and debris in a secure container until disposal. | GARBAGE CONTAINER |
| 37. | The Permittee shall dispose of all garbage, Waste, and debris as described in the application, unless otherwise authorized in writing by an Inspector. | REMOVE GARBAGE |

26(1)(j) Protection of Historical, Archaeological, and Burial Sites

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| 38. | The Permittee shall not operate any vehicle or equipment within 150 metres of a known or suspected historical or archaeological site or burial ground. | ARCHAEOLOGICAL BUFFER |
| 39. | The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site. | SITE DISTURBANCE |
| 40. | The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered: | SITE DISCOVERY AND NOTIFICATION |
| | a) immediately suspend operations on the site; and | |
| | b) notify the Board at (867) 777-4954 or an Inspector at (867) 777-8906, and the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71250 or ext. 71251. | |

26(1)(k) Objects and Places of Recreational, Scenic, and Ecological Value

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| 41. | The Permittee shall take all reasonable precautions to avoid impacts to traditional harvest activities. | TRADITIONAL USE |
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26(1)(l) Security Deposit

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| 42. | All costs to remediate the area under this Permit are the responsibility of the Permittee. | RESPONSIBILITY FOR REMEDIATION COSTS |
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26(1)(m) Fuel Storage

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| 43. | The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses. | FUEL CONTAINMENT |
| 44. | The Permittee shall not store any fuel on site during this landuse operation. | FUEL STORAGE |
| 45. | The Permittee shall set up all refueling points with Secondary Containment. | SECONDARY CONTAINMENT - REFUELING |

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| 46. | All equipment that may be parked for two hours or more, shall have a drip tray under it or be sufficiently diapered. Leaky equipment shall be repaired immediately. | DRIP TRAYS |
| 47. | The Permittee shall adhere to the Spill Contingency Plan once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval. | SPILL CONTINGENCY PLAN |
| 48. | Prior to commencement of the land-use operation the Permittee shall ensure that spill-response equipment is in place to respond to any potential spills. | SPILL RESPONSE |
| 49. | The Permittee shall clean up all leaks, spills, and contaminated material. | CLEAN UP SPILLS |
| 50. | During the period of this Permit, if a spill occurs or is foreseeable, the Permittee shall: <ul style="list-style-type: none"> a) implement the approved Spill Contingency Plan; b) report it-immediately using the NU-NT Spill Report Form by one of the following methods: <ul style="list-style-type: none"> • Telephone: (867) 920-8130 • Fax: (867) 873-6924 • E-mail: spills@gov.nt.ca • <u>Online: Spill Reporting and Tracking Database</u> c) within 24 hours, notify the Board and an Inspector; and d) within 30 days of initially reporting the incident, submit a detailed report to the Board and an Inspector, including descriptions of causes, response actions, and any changes to procedures to prevent similar occurrences in the future. Any updates to this report shall be provided to the Board and an Inspector in writing as changes occur. | REPORT SPILLS |

26(1)(n) Methods and Techniques for Debris and Brush Disposal

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| 51. | The Permittee shall not clear areas larger than identified in the complete application. | MINIMIZE AREA CLEARED |
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26(1)(o) Restoration of the Lands

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| 52. | The Permittee shall dispose of all overburden as instructed by an Inspector. | DISPOSAL OF OVERBURDEN |
| 53. | Prior to the end of the land-use operation, the Permittee shall level all stockpiles of granular material located within the land use area. | LEVEL STOCKPILES |
| 54. | The Permittee shall carry out progressive reclamation of disturbed areas as soon as it is practical to do so. | PROGRESSIVE RECLAMATION |

55.	Prior to the end of the land-use operation, the Permittee shall restore any trails impacted by the land-use operation by removing fallen trees and any other obstructions from the trails.	TRAILS RESTORATION
56.	Prior to the end of this land use operation, the Permittee shall complete all cleanup and restoration of the lands used.	FINAL CLEANUP AND RESTORATION
57.	Prior to the end of the land-use operation, the Permittee shall prepare the site in such a manner as to facilitate natural revegetation.	NATURAL VEGETATION
26(1)(p) Display of Permits and Permit Numbers		
58.	The Permittee shall keep a copy of this Permit on hand at all times during this land-use operation.	COPY OF PERMIT
26(1)(q) Biological and Physical Protection of the Land		
59.	The Permittee shall suspend activities temporarily if one or more caribou are spotted within five hundred (500) metres of the work site.	CARIBOU DISTURBANCE
60.	If nesting areas are encountered during the course of operations, the Permittee shall minimize all activity so as to not disturb them.	MIGRATORY BIRD NEST DISTURBANCE
61.	If any plan is not approved by the Board, the Permittee shall revise the plan according to the Board's direction and re-submit it to the Board for approval.	RESUBMIT PLAN
62.	All revised plans submitted to the Board shall include a brief summary of the changes made to the plan.	SUMMARY OF CHANGES



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Reasons for Decision

Issued pursuant to paragraph 40(2)(c) of the *Mackenzie Valley Land Use Regulations*(MVLUR)

File Number:	G20Q001	Type:	"A" Land Use Permit
Applicant:	Hamlet of Aklavik		
Activity:	Construction of winter overland access road and Quarrying at Willow River site 467		
Board Meeting:	February 7, 2020		

With respect to this application, notice was given in accordance with sections 63 and 64 of the *Mackenzie Valley Resource Management Act (MVRMA)*. There was no public hearing held in association with this application.

BACKGROUND

On January 6, 2020 the Hamlet of Aklavik submitted an application for a Type "A" Land Use Permit for the purpose of quarrying at Willow River Quarry, and the construction of a winter overland access road. The applicant requests a term of 5 years, with a proposed start date in February 2020.

Board staff completed a conformity check of the documents submitted with the application and deemed it complete on January 13, 2020. The application was distributed for public review on January 13 2020, with a deadline of February 3, 2020. Submissions were received from GNWT Department of Environment and Natural Resources, the Edhitat Gwich'in Renewable Resources Council and the Gwich'in Renewable Resources Board. A preliminary Screening was completed by Board staff on February 4, 2020.

DECISION

After reviewing the submission of the Applicant and the written comments and submissions received by the Board, and having due regard to the facts and circumstances, the merits of the submissions made to it, and to the purpose, scope, and intent of the MVRMA and the Regulations made thereunder, the Board has determined that: Land Use Permit G20Q001 be issued, subject to the terms and conditions contained therein.

The Board's reasons for this decision are set out below:

- The Board is satisfied that adequate consultation has been conducted and that advice has been sought and considered in accordance with sections 63 and 64 of the MVRMA.
- No significant or unmitigable public concern was made known to the Board.
- The use of land proposed by the Applicant is of a nature contemplated by the MVRMA.
- Any potential adverse environmental effects are insignificant or mitigable with known technology.
- The operation will likely contribute to the socio-economic well-being and economic development of the region.
- The Board has reviewed the information contained in the Staff Report dated February 4, 2020 regarding environmental impacts and/or public concerns.
- It is the opinion of the Board that the terms and conditions attached to G20Q001 pursuant to the MVRMA, will significantly reduce the potential environmental impacts resulting from the project.
- The Board has notified the Applicant, through a statement included in the scope of this Permit, that compliance with the terms and conditions of this Permit does not absolve the Permittee from responsibility for compliance with the requirements of any other legislation

SIGNATURE



Elizabeth Wright,
Chair, Gwich'in Land and Water Board

February 18, 2020

Date